

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

FILED
JOHN P. HEHMAN
CLERK

2014 SEP 26 PM 3:05

UNITED STATES OF AMERICA)
)
)
)
 v.)
)
)
)
 SEAN D. MURPHY)

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

No. 2:11-CR-10(1)
JUDGE SMITH

MOTION FOR NEW TRIAL

The Defendant moves for a new trial, pursuant to Federal Rules of Civil Procedure 33, and requests a hearing on the matter.

In support thereof, the Defendant states:

1. There is newly discovered evidence that requires a new trial be granted.
2. The Government's sole witness who placed the Defendant at the scene of the crime, and, in the state of Ohio, (Robert Doucette) committed material perjury at trial on several occasions.
3. The Government knowingly allowed perjured testimony to be elicited at trial without bringing [the] perjured testimony to the Court's attention or to the Defendant's attention.
4. Attorney David Graeff provided ineffective assistance of counsel to Defendant.
5. The evidence suggests the Defendant was "actually innocent" of the crimes charged in the indictment.
6. In the interest of justice, a new trial must be granted.

The Defendant relies on his Memorandum of Law in support attached herewith, and the Affidavit of Joseph M. Morgan and Sean D. Murphy.

Respectfully submitted,
By the Defendant,



Sean D. Murphy

Dated: 9-15-2014

CERTIFICATE OF SERVICE

I, Sean D. Murphy, certify that I have served a copy of this motion with all attachments upon Salvador Dominguez at the United States Attorney's Office at 303 Marconi Blvd., Columbus, OH 43215.



Sean D. Murphy